

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LARRY DALE JOHNSON,

Plaintiff,

Civil No. 08-6017-HA

v.

ORDER

FEDERAL BUREAU OF PRISONS,  
*et al.*,

Defendants.

HAGGERTY, District Judge:

On February 26, 2010, plaintiff was ordered to show cause in writing why this case should not be dismissed for failure to prosecute the action, and the Order was mailed to the last two addresses reported by plaintiff. Plaintiff responded by indicating that he is seeking counsel, and he reported a new address. Plaintiff was granted until May 28, 2010, to report either that he had retained counsel or that he would be prosecuting the action *pro se*. Discovery was extended until June 30, 2010, and dispositive motions were set for July 30, 2010.

Plaintiff subsequently has moved for summary judgment, arguing that "the discovery materials in the possession of the defendant will show that there is no genuine issue as to any material fact and that I am entitled to judgment as a matter of law." Mot. S.J. at 1. Defendant

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moves to either dismiss plaintiff's motion or to stay defendant's response until discovery is complete.

Although submissions from *pro se* litigants must be construed liberally, consideration of the public's interest in expeditious resolution of litigation, the court's need to manage its docket, and the risk of undue prejudice to defendants compels the court to require all parties to conform to the minimum pleading requirements set forth in this court's Local Rules and the Federal Rules of Civil Procedure. Plaintiff's Motion for Summary Judgment [45] is denied. Bald assertions that an opposing party possesses evidence sufficient for granting summary judgment is frivolous and warrants no further consideration. Plaintiff is advised that he was previously allowed until June 30, 2010 to seek discovery sufficient to support his action. All dispositive motions must be filed by July 30, 2010. All responsive briefing to any dispositive motions must be filed by August 20, 2010. Replies must be filed by August 27, 2010. No oral argument will be scheduled. Any further filings not in compliance with the Local Rules and with the Federal Rules of Civil Procedure will be stricken. No further extensions will be granted in this action.

Defendants' "Combined Motion to Dismiss or to Stay" [46] is denied as moot. Because of the likelihood that either defendants will advance a motion by which they seek to have plaintiff's Amended Complaint dismissed, or this court will order dismissal as a result of plaintiff's failure to comply with Local Rules or the Federal Rules of Civil Procedure, plaintiff is advised that upon receipt of adequate notice of the insufficiencies of plaintiff's action at bar, the court may dismiss the action and need not grant leave to further amend or requests for extensions. *Carter v. Commissioner*, 784 F.2d 1006, 1009 (9th Cir. 1986) (government's motion was sufficient notice that petitioner's *pro se* complaint was deficient). Plaintiff should evaluate

the merits of voluntary dismissal, or support his claims with adequate documentation and evidence. Plaintiff is also advised that any further failures to apprise the court of his valid address and telephone number for the duration of this case will result in dismissal of the action with prejudice. The address of record is currently:

Larry Dale Johnson  
832 NE D Street, #13  
Grants Pass, Oregon 97526  
541-479-1231

If court correspondence sent to this address is returned as undeliverable, this case will be dismissed with prejudice.

## **CONCLUSION**

Plaintiff's Motion for Summary Judgment [45] is denied. Defendants' "Combined Motion to Dismiss or to Stay" [46] is denied as moot.

IT IS SO ORDERED.

DATED this 8 day of June, 2010.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge